

ASSEMBLY BILL

No. 2402

Introduced by Assembly Member Huffman

February 24, 2012

An act to amend Sections 37, 39, 700, 2089.4, 3031.2, and 7149.8 of, to add Sections 715, 1020, 1021, 1065, 12028, and 13205 to, and to repeal and add Section 8598.3 of, the Fish and Game Code, and to amend Section 12805 of the Government Code, relating to fish and wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2402, as introduced, Huffman. Department of Fish and Game: Fish and Game Commission: entitlements: fees: violations.

(1) Existing law establishes the Department of Fish and Game and the Fish and Game Commission and sets forth the powers and duties of that department and commission.

This bill would make findings and declarations of the Legislature concerning the process of developing a strategic vision for the Department of Fish and Game and the Fish and Game Commission pursuant to Chapter 424 of the Statutes of 2010, as specified.

This bill would rename the Department of Fish and Game the Department of Fish and Wildlife, and would make related changes. The bill would prohibit existing supplies, forms, insignias, signs, logos, uniforms, or emblems from being destroyed or changed as a result of changing the name of the Department of Fish and Game to the Department of Fish and Wildlife, and would require their continued use until exhausted or unserviceable.

The bill would require the Director of Fish and Game, in consultation with the Natural Resources Agency, to establish an independent science

advisory panel to provide advice and recommendations to the department and the commission.

The bill would require the department to develop and adopt a method to impose and collect entry pass fees onsite for visitors that are engaging in nonconsumptive uses, as defined, at state wildlife refuges and other lands managed by the department that are open to the public. The bill would require the department to modify its online processes for purchase of entry passes and warden stamps to make these systems user-friendly for nonconsumptive users.

The bill would require the director, at least 30 days before submitting the department's proposed annual budget requests to the Governor, to give the commission an opportunity to review and provide comment on the proposed annual budget requests.

(2) Under existing law, the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services is used as the index to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, and tags. Under existing law, the department issues lifetime hunting licenses, abalone report cards, and marine aquaria collector's permits, and existing law establishes base fees for those entitlements, adjusted annually pursuant to the index.

This bill would require the commission to establish base fees for lifetime hunting licenses, as specified, and for abalone report cards and marine aquaria collector's permits for the 2013 license year, and would require those fees to be adjusted annually thereafter according to the index.

(3) Existing law, except as expressly provided otherwise, makes violations of the Fish and Game Code, or of any rule, regulation, or order made or adopted under that code, a misdemeanor. Existing law sets prescribed fines and penalties for specified violations.

This bill would require the department to modify its Automated License Data System to include information on all violations of the code and regulations adopted pursuant to the code. The bill would require electronic field equipment utilized by fish and game wardens to be modified to give fish and game wardens access to Automated License Data System information in the field.

(4) Existing law requires, unless otherwise provided, that all money collected under the provisions of the Fish and Game Code and of any other law relating to the protection and preservation of birds, mammals, fish, reptiles, or amphibia be paid into the State Treasury to the credit of the Fish and Game Preservation Fund. Existing law establishes

specific accounts within the fund, including the Big Game Management Account, and the department has established other accounts within the fund.

This bill would require the Augmented Deer Tags Account, Bighorn Sheep Permit Account, and Wild Pig Account within the fund to be consolidated and any remaining funds in these accounts transferred to the Big Game Management Account. The bill would require the department, after consultation with the Department of Finance and the Legislative Analyst's Office, to provide recommendations to the Legislature for consolidation of additional dedicated accounts within the fund if, in the determination of the department, consolidation would serve to reduce administrative costs to the department and enhance its ability to meet current needs, while still preserving the stated purposes of the dedicated accounts.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) In 2010, the Legislature passed and the
- 2 Governor signed Assembly Bill 2376, which established a process
- 3 to develop a strategic vision for the Department of Fish and Game
- 4 and the Fish and Game Commission.
- 5 (b) Pursuant to Assembly Bill 2376, the Natural Resources
- 6 Agency appointed an executive committee, a blue ribbon
- 7 commission, and a broad-based stakeholder group, and established
- 8 a public process that is focused on improving and enhancing the
- 9 capacity of both the Department of Fish and Game and the Fish
- 10 and Game Commission to protect and manage California's fish
- 11 and wildlife.
- 12 (c) All groups and individuals with an interest in improving the
- 13 work of the department and the commission have been invited to
- 14 participate in the stakeholder group process. Numerous public
- 15 meetings have been held and extensive information on the process
- 16 and the comments received to date are available on the Internet
- 17 Web site of the Department of Fish and Game. The process is still
- 18 underway and a final report is due to the Legislature by June 2012.
- 19 (d) The policy chairs of the committees of the Legislature with
- 20 subject matter jurisdiction shall consider proposed legislation to
- 21 address many of the draft recommendations of the California Fish

1 and Wildlife Strategic Vision and other reforms necessary to satisfy
2 the mandate of Assembly Bill 2376. Some of the content of the
3 proposed legislation reflects suggestions contained in the draft
4 interim strategic vision report released by the department and the
5 commission on November 22, 2011. The proposed legislation may
6 be amended from time to time to reflect additional
7 recommendations as the stakeholder and blue ribbon commission
8 process and final reports of the executive committee are completed.

9 SEC. 2. Section 37 of the Fish and Game Code is amended to
10 read:

11 37. “Department” means the Department of Fish and ~~Game~~
12 *Wildlife*.

13 SEC. 3. Section 39 of the Fish and Game Code is amended to
14 read:

15 39. “Director” means the Director of Fish and ~~Game~~ *Wildlife*.

16 SEC. 4. Section 700 of the Fish and Game Code is amended
17 to read:

18 700. (a) There is in the *Natural Resources Agency* a
19 Department of Fish and ~~Game~~ *Wildlife* administered through the
20 director.

21 (b) *The Department of Fish and Wildlife shall succeed to, and*
22 *is vested with, all the duties, powers, purposes, responsibilities,*
23 *property, and jurisdiction previously vested in the Department of*
24 *Fish and Game.*

25 (c) *Whenever the term “Department of Fish and Game” appears*
26 *in a law, the term means the “Department of Fish and Wildlife.”*

27 (d) *No existing supplies, forms, insignias, signs, logos, uniforms,*
28 *or emblems shall be destroyed or changed as a result of changing*
29 *the name of the Department of Fish and Game to the Department*
30 *of Fish and Wildlife, and those materials shall continue to be used*
31 *until exhausted or unserviceable.*

32 SEC. 5. Section 715 is added to the Fish and Game Code, to
33 read:

34 715. (a) As used in this section, “panel” means the independent
35 science advisory panel established pursuant to subdivision (b).

36 (b) The director, in consultation with the Natural Resources
37 Agency, shall establish an independent science advisory panel to
38 provide advice and recommendations to the department and
39 commission. The panel shall be composed of no more than 10
40 members recommended by the director and approved by the

1 Secretary of the Natural Resources Agency. The term of office
2 shall be for five years. A member may serve not more than two
3 consecutive terms. Members of the panel shall be scientific experts
4 in their fields with expertise in biological sciences and with a range
5 of multidisciplinary expertise pertinent to the work of the
6 department and commission. The purpose of the panel shall be to
7 assist the department and commission in establishing an
8 independent and objective view of the scientific issues underlying
9 important policy decisions.

10 (c) The duties of the panel shall include, but not necessarily be
11 limited to, the following:

12 (1) Providing oversight of the scientific research, monitoring,
13 and assessment programs that support the department's and the
14 commission's work with fish and wildlife species and their habitats.

15 (2) Providing the best available independent scientific
16 information and advice to guide and inform department and
17 commission decisions.

18 (3) Promoting and facilitating independent scientific peer review.

19 (4) Promoting science-based adaptive management.

20 (5) Ensuring scientific integrity and transparency in
21 decisionmaking.

22 (d) The panel may recommend and consult with other
23 independent scientific experts with specialized expertise as needed
24 for independent peer review of department reports, including, but
25 not limited to, status review reports prepared for purposes of
26 informing decisions on petitions for listing of species under the
27 California Endangered Species Act (Chapter 1.5 (commencing
28 with Section 2050) of Division 3).

29 (e) The panel shall develop a proposed scientific integrity policy
30 to guide the work of the department and commission. The scientific
31 integrity policy may include, but is not necessarily limited to, an
32 ethical code of conduct for department scientists, standards for
33 independent peer review, and other best practices for ensuring
34 scientific integrity and public confidence in department and
35 commission work products and decisions.

36 SEC. 6. Section 1020 is added to the Fish and Game Code, to
37 read:

38 1020. The department shall develop and adopt a method to
39 impose and collect entry pass fees onsite for visitors that are
40 engaging in nonconsumptive uses at state wildlife refuges and

1 other lands managed by the department that are open to the public.
2 The department shall also modify its online processes for purchase
3 of entry passes and warden stamps to make these systems
4 user-friendly for nonconsumptive users. As used in this section,
5 “nonconsumptive uses” means compatible uses other than hunting
6 or fishing.

7 SEC. 7. Section 1021 is added to the Fish and Game Code, to
8 read:

9 1021. The director, at least 30 days before submitting the
10 department’s proposed annual budget requests to the Governor,
11 shall give the commission an opportunity to review and provide
12 comment on the proposed annual budget requests.

13 SEC. 8. Section 1065 is added to the Fish and Game Code, to
14 read:

15 1065. The department shall modify its Automated License Data
16 System to include information on all violations of this code and
17 regulations adopted pursuant to this code. Electronic field
18 equipment utilized by fish and game wardens shall be modified to
19 give fish and game wardens access to Automated License Data
20 System information in the field.

21 SEC. 9. Section 2089.4 of the Fish and Game Code is amended
22 to read:

23 2089.4. As used in this article, the following definitions apply:

24 (a) “Agreement” means a state safe harbor agreement approved
25 by the department pursuant to this article. “Agreement” includes
26 an agreement with an individual landowner and a programmatic
27 agreement.

28 (b) “Baseline conditions” means the existing estimated
29 population size, the extent and quality of habitat, or both population
30 size and the extent and quality of habitat, for the species on the
31 land to be enrolled in the agreement that sustain seasonal or
32 permanent use by the covered species. Baseline conditions shall
33 be determined by the department, in consultation with the applicant,
34 and shall be based on the best available science and objective
35 scientific methodologies. For purposes of establishing baseline
36 conditions, a qualified person that is not employed by the
37 department may conduct habitat surveys, if that person has
38 appropriate species expertise and has been approved by the
39 department.

1 (c) “Department” means the Department of Fish and ~~Game~~,
2 *Wildlife*, acting through its director or his or her designee.

3 (d) “Landowner” means any person or nonstate or federal entity
4 or entities that lawfully hold any interest in land or water to which
5 they are committing to implement the requirements of this article.

6 (e) “Management actions” means activities on the enrolled land
7 or water that are reasonably expected by the department to provide
8 a net benefit to the species or their habitat, or both.

9 (f) “Monitoring program” means a program established or
10 approved by the department in accordance with subdivision (f) of
11 Section 2089.6.

12 (g) “Net conservation benefit” means the cumulative benefits
13 of the management activities identified in the agreement that
14 provide for an increase in a species’ population or the enhancement,
15 restoration, or maintenance of covered species’ suitable habitats
16 within the enrolled property. Net conservation benefit shall take
17 into account the length of the agreement, any offsetting adverse
18 effects attributable to the incidental taking allowed by the
19 agreement, and other mutually agreed upon factors. Net
20 conservation benefits shall be sufficient to contribute either directly
21 or indirectly to the recovery of the covered species. These benefits
22 include, but are not limited to, reducing fragmentation and
23 increasing the connectivity of habitats, maintaining or increasing
24 populations, enhancing and restoring habitats, and buffering
25 protected areas.

26 (h) “Programmatic agreement” means a state safe harbor
27 agreement issued to a governmental or nongovernmental program
28 administrator. The program administrator for a programmatic
29 agreement shall work with landowners and the department to
30 implement the agreement. The program administrator and the
31 department shall be responsible for ensuring compliance with the
32 terms of the agreement.

33 (i) “Qualified person” means a person with species expertise
34 who has been approved by the department.

35 (j) “Return to baseline” means, at the termination of an
36 agreement, activities undertaken by the landowner to return the
37 species population or extent or quality of habitat to baseline,
38 excluding catastrophic events such as floods, unplanned fires, or
39 earthquakes, and other factors mutually agreed upon prior to permit
40 issuance and that are beyond the control of the landowner.

SEC. 10. Section 3031.2 of the Fish and Game Code is amended to read:

3031.2. (a) In addition to Sections 714 and 3031, and notwithstanding Section 3037, the department shall issue lifetime hunting licenses under this section. A lifetime hunting license authorizes the taking of birds and mammals anywhere in this state in accordance with the law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted under this code. A lifetime hunting license is not transferable. A lifetime hunting license does not include any special tags, stamps, or fees.

(b) A lifetime hunting license may be issued to residents of this state, as follows:

(1) To a person 62 years of age or over, upon payment of a base fee ~~of three hundred sixty-five dollars (\$365) as determined pursuant to subdivision (e).~~

(2) To a person 40 years of age or over, and less than 62 years of age, upon payment of a base fee ~~of five hundred forty dollars (\$540) as determined pursuant to subdivision (e).~~

(3) To a person 10 years of age or over, and less than 40 years of age, upon payment of a base fee ~~of six hundred dollars (\$600) as determined pursuant to subdivision (e).~~

(4) To a person less than 10 years of age, upon payment of a base fee ~~of three hundred sixty-five dollars (\$365) as determined pursuant to subdivision (e).~~

(c) Nothing in this section requires a person less than 16 years of age to obtain a license to take birds or mammals except as required by law.

(d) Nothing in this section exempts an applicant for a license from meeting other qualifications or requirements otherwise established by law for the privilege of sport hunting.

(e) *The commission shall establish base fees for lifetime hunting licenses described in subdivisions (a) and (b) in an amount sufficient to recover, but not exceed, all reasonable administrative and implementation costs of the department and commission relating to those licenses. The base fees specified in this section as it was amended effective January 1, 2013, are applicable commencing January 1, 2004 2013, and shall be adjusted annually thereafter pursuant to Section 713.*

1 SEC. 11. Section 7149.8 of the Fish and Game Code is
2 amended to read:

3 7149.8. (a) A person shall not take abalone from ocean waters
4 unless he or she first obtains, in addition to a valid California sport
5 fishing license and any applicable license validation or stamp
6 issued pursuant to this code, an abalone report card, and maintains
7 that report card in his or her possession while taking abalone.

8 (b) The department or an authorized license agent shall issue
9 an abalone report card upon payment of a *base fee of fifteen dollars*
10 ~~(\$15) in the 2004 license year, which shall be adjusted annually~~
11 ~~thereafter pursuant to Section 713. as determined pursuant to~~
12 ~~subdivision (c).~~

13 (c) *The commission shall establish a base fee for abalone report*
14 *cards in an amount sufficient to recover, but not exceed, all*
15 *reasonable administrative and implementation costs of the*
16 *department and commission relating to those cards. The base fee*
17 *specified in this section is applicable to the 2013 license year, and*
18 *shall be adjusted annually thereafter pursuant to Section 713.*

19 SEC. 12. Section 8598.3 of the Fish and Game Code is
20 repealed.

21 ~~8598.3. (a) The fee for a marine aquaria collector's permit~~
22 ~~shall be three hundred thirty dollars (\$330).~~

23 ~~(b) A person engaged in taking, possessing, or landing marine~~
24 ~~species under a marine aquaria collector's permit shall not take,~~
25 ~~possess aboard a boat, or land any species under the authority of~~
26 ~~a scientific collector's permit issued pursuant to Section 1002,~~
27 ~~5515, or 10660 on the same fishing trip.~~

28 SEC. 13. Section 8598.3 is added to the Fish and Game Code,
29 to read:

30 8598.3. (a) The commission shall establish a base fee for a
31 marine aquaria collector's permit in an amount sufficient to
32 recover, but not exceed, all reasonable administrative and
33 implementation costs of the department and commission relating
34 to those permits. The base fee established pursuant to this section
35 is applicable to the 2013 license year, and shall be adjusted
36 annually thereafter pursuant to Section 713.

37 (b) A person engaged in taking, possessing, or landing marine
38 species under a marine aquaria collector's permit shall not take,
39 possess aboard a boat, or land any species under the authority of

1 a scientific collector's permit issued pursuant to Section 1002,
2 5515, or 10660 on the same fishing trip.

3 SEC. 14. Section 12028 is added to the Fish and Game Code,
4 to read:

5 12028. The Legislature finds and declares that:

6 (a) Egregious poaching violations and other violations of the
7 Fish and Game Code have been increasing, and these violations
8 have a detrimental impact on fish and wildlife and their habitats,
9 which are held in trust by the state for the benefit of the people of
10 the state.

11 (b) In order to facilitate effective enforcement of the Fish and
12 Game Code and deter illegal poaching and other violations that
13 adversely impact fish and wildlife, it is important that courts be
14 provided with up-to-date information on current Fish and Game
15 Code prohibitions and penalties that have been enacted by the
16 Legislature.

17 (c) It is therefore the intent of the Legislature to urge the Judicial
18 Council to review and update the Uniform Bail and Penalty
19 Schedule to include references to additional Fish and Game Code
20 provisions not included in the Uniform Bail and Penalty Schedule
21 currently.

22 (d) It is further the intent of the Legislature that courts in all 58
23 counties be informed of the availability of the updated Uniform
24 Bail and Penalty Schedules once those are completed.

25 SEC. 15. Section 13205 is added to the Fish and Game Code,
26 to read:

27 13205. The Augmented Deer Tags Account, Bighorn Sheep
28 Permit Account, and Wild Pig Account within the Fish and Game
29 Preservation Fund shall be consolidated and any remaining funds
30 in these accounts transferred to the Big Game Management
31 Account, consistent with Section 3953. The department, after
32 consultation with the Department of Finance and the Legislative
33 Analyst's Office, shall provide recommendations to the Legislature
34 for consolidation of additional dedicated accounts within the Fish
35 and Game Preservation Fund if, in the determination of the
36 department, consolidation would serve to reduce administrative
37 costs to the department and enhance its ability to meet current
38 needs, while still preserving the generally stated purpose of the
39 dedicated accounts.

1 SEC. 16. Section 12805 of the Government Code is amended
2 to read:

3 12805. (a) The Resources Agency is hereby renamed the
4 Natural Resources Agency. The Natural Resources Agency consists
5 of the departments of Forestry and Fire Protection, Conservation,
6 Fish and ~~Game~~ *Wildlife*, Boating and Waterways, Parks and
7 Recreation, Resources Recycling and Recovery, and Water
8 Resources; the State Lands Commission; the Colorado River Board;
9 the San Francisco Bay Conservation and Development
10 Commission; the Central Valley Flood Protection Board; the
11 Energy Resources Conservation and Development Commission;
12 the Wildlife Conservation Board; the Delta Protection Commission;
13 the Native American Heritage Commission; the California
14 Conservation Corps; the California Coastal Commission; the State
15 Coastal Conservancy; the California Tahoe Conservancy; the Santa
16 Monica Mountains Conservancy; the Coachella Valley Mountains
17 Conservancy; the San Joaquin River Conservancy; the San Gabriel
18 and Lower Los Angeles Rivers and Mountains Conservancy; the
19 Baldwin Hills Conservancy; the San Diego River Conservancy;
20 and the Sierra Nevada Conservancy.

21 (b) No existing supplies, forms, insignias, signs, or logos shall
22 be destroyed or changed as a result of changing the name of the
23 Resources Agency to the Natural Resources Agency, and those
24 materials shall continue to be used until exhausted or unserviceable.